

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:) Case Number: 18-07006
HELENA V BATHER)
)
) Chapter: 13
) Honorable Donald R. Cassling
)
)
Debtor(s)

AGREED REPAY ORDER WITH PROVISION FOR STAY RELIEF UPON DEFAULT

THIS CAUSE coming to be heard on the motion of HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET ACCEPTANCE CORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AP3 (hereinafter, "Creditor"), for property located at 1231 N. Taylor Avenue, Oak Park, IL 60302, the Court having jurisdiction over the subject matter:

1. The Debtor shall repay directly to the mortgage company and pursuant to this order, the 1st installment 2018 Real Estate Taxes in the amount of \$5,070.85 that were payable in 2019 and paid by the mortgage company;

2. Creditor must receive the sum of \$300.00 per month by the last day of each these months plus the regular post-petition mortgage payment for each respective month on or before its due date: March, April, May, June, July, August, September, October, November and December 2021; and January, February, March April, May, June 2022; and in the final month, the sum of \$270.85 plus the regular post-petition payment for the month of July 2022.

3. That if Creditor fails to receive any of the \$300.00 payments in any one month, and if the debtor fails to bring the payments current within fourteen (14) calendar days after mailing notification to the Debtor and her attorney, the stay shall be automatically terminated as to Creditor, its principals, agents, successors and/or assigns, as to the property securing its interest, upon filing of notice of same with the clerk of the court;

4. In addition, Debtor shall pay all real property taxes for the premises securing Creditor's interest on or before the deadlines set forth by the County in which the property is located;

5. If at any time real property taxes are not paid on or before the deadlines set forth by the County and debtor fails to tenders funds to the County Collector's office in an amount to bring the property taxes current and provides proof of same to Creditor within fourteen (14) days after mailing notification to debtor and her attorney, the stay shall be automatically terminated as to Creditor, its agents, principals, successors and/or assigns as to the property securing its interest, upon filing of notice of same with the clerk of the court;

6. Alternatively, if the Creditor has paid taxes to protect its interest in the property because the debtor failed to pay them on or before the deadline set forth by the County, debtor shall reimburse the Creditor in full for amounts disbursed. If the debtor fails to reimburse Creditor in full for the amounts

disbursed, the stay shall be automatically terminated as to the Creditor, its agents, principals, successors and/or assigns as to the property security its interest fourteen (14) days after mailing notification to the debtor and debtor's attorney, upon filing of notice of the same with the clerk of the court;

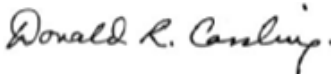
7. Creditor's post-petition bankruptcy fees and costs of \$1,238.00 are allowed and may be added to the indebtedness secured by the subject mortgage.

8. In the event that Creditor should have to send out any Notices of Default, Creditor may include up to \$100 per notice, as additional attorney fees, that the Debtor must pay in addition to whatever funds are needed to cure the default and that said additional funds must be tendered prior to the expiration of the cure period set forth in the Notice.

9. Upon dismissal, discharge, chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against Debtors.

/s/ Terri M. Long
Attorney for Creditor

/s/ David Cutler
Attorney for Debtor

Enter: 

Honorable Donald R. Cassling
United States Bankruptcy Judge

Dated: February 16, 2021

Prepared by:

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